



**MINNESOTA  
JUDICIAL BRANCH**  
FOURTH JUDICIAL DISTRICT



**Hennepin County**  
Community Corrections

## NEWS RELEASE

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### **New Sentencing Practices to Impact Every DWI Offender in Hennepin County**

#### ***DWI court among changes to increase public safety***

(**Minneapolis**)—Lucy Wieland, chief judge, Fourth Judicial District- Hennepin County District Court and Fred LaFleur, director, Hennepin County Community Corrections, today outlined far-reaching changes in sentencing and probation practices aimed at increasing public safety by keeping drunken drivers off the road. More than 7,500 people were charged with driving while under the influence of alcohol (DWI) in Hennepin County last year alone. In addition, nearly 12,000 offenders were on probation.

“One of the sad truths is that alcohol and drug use tends to go up during the holiday season, and so does drunken driving,” said Judge Wieland. “The changes announced today will impact every person convicted of DWI in Hennepin County –and that means anyone arrested for this offense during the upcoming holidays will likely be subject to these tough new regulations.”

The new procedures seek to ensure a coordinated, consistent approach to first-time DWI offenders, while focusing the most resources on second and third time cases because they pose a greater risk for re-offending. “Despite years of public education about the dangers of drinking and driving, the impact of chemical dependency on Hennepin County residents, their courts and the criminal justice system continues to be astounding. We’ve spent the past sixteen months investigating what practices being used around the nation work best to keep DWI offenders from coming back to court. These changes reflect those learnings.”

**Misdemeanor DWI** (First-time offenders with blood alcohol content below .20) Every person convicted of misdemeanor DWI with a blood alcohol level below .16 must attend a standardized one-day program. Run by a community-based agency, with standards set by Hennepin County Community Corrections, the program will include a thorough alcohol assessment, victim impact panel and an education class about drinking and driving. Hennepin County judges currently send some first-time DWI offenders to such programs. Now, it will be mandatory for all offenders, who will bear the cost. This will be in addition to jail time, sentence to serve, and fines specified

by state law and administrative penalties imposed by the Department of Public Safety. [4,227 cases in 2005]

**Gross Misdemeanor DWI** (Two or three offenses within 10 years, blood alcohol content higher than .20, or an aggravating factor such as a small child in the car.) Probation officers will conduct a thorough, standardized chemical dependency assessment before sentencing for second and third time offenders and first-time offenders with blood alcohol levels above .15. Such assessments, currently done after sentencing, will guide an individualized court-ordered case plan for each offender. Judges will have a menu of graduated sentencing options ranging from treatment, aftercare and Alcoholics Anonymous (AA) attendance to Secure Remote Alcohol Monitor (SCRAM) bracelets which detect alcohol consumption or ignition interlock devices that require a breath sample negative for alcohol before a car can be started. Again, all of these changes will be in addition to required jail time and fines specified by state law and administrative penalties imposed by the Department of Public Safety. [3,168 cases in 2005]

Plus, a new DWI court led by Judge John Holahan in cooperation with the Minneapolis City Attorney's Office and the Minneapolis Police Department will be instituted on a pilot project basis for these offenders. Any Hennepin County resident over 18 years-old charged with gross misdemeanor DWI in Minneapolis who is chemically dependent can apply to participate in this post-conviction court. Acceptance will be determined by a screening evaluation conducted by a court-led team. DWI court will mandate frequent, reoccurring court appearances, police and probation home visits to monitor sobriety, completion of treatment and aftercare, use of the SCRAM bracelet, employment and stable housing, and a sober support network.

**Felony DWI:** A 2002 law makes an offender's fourth drunken-driving arrest a felony, and statewide sentencing guidelines outline recommended jail or prison sentences. Felony offenders not sentenced to prison in Hennepin County will be subject to the graduated sentencing options discussed above, with a particular emphasis on the use of electronic technology. They will also receive more intensive probation supervision with specially trained DWI-probation officers and rapid response for violations of probation. [137 cases in 2005]

Eighty percent of first-time DWI offenders do not commit another offense. However, research shows once an offender receives a second DWI, he or she is **more likely** to re-offend and commit a third offense. Moreover, a person arrested for a second DWI offense has a much greater probability of being chemically dependent. Research also indicates that the first and most important tool for preventing repeat DWI offenses is to get offenders to court quickly and provide immediate consequences. In order to do that, Hennepin County initiated a DWI Fast Track program six years ago. The program has reduced time for disposition of DWI cases to a median of 25 days from first appearance in court to disposition. It will continue, in addition to the changes noted above.

These new procedures will be implemented in early 2007. They include recommendations from a 15- member Chemical Dependency Task Force that has been meeting since June. Task Force members include: Chief Judge Lucy Wieland (co-chair), Fred La Fleur, Director Community Corrections (co-chair), Commissioner Linda Koblick, Judge Gary Larson, Judge Tanya Bransford, Judge John Holahan, Leonardo Castro, Public Defender, Peter Cahill, County Attorney's Office, Dana Banwer, City Attorney's Office, Robert Olander, Human Services and Public Health Department, Robert Roeglin, Community Corrections, Marcy Podkopacz, District Court, Peg Murphy, Human Services and Public Health Department, Chris Owens, Corrections, and Gwen Carlson, Human Services and Public Health Department.